

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In the Matter of the Complaint

of

ENERGETIC TANK, INC.,
as Owner of the M/V ALNIC MC,
for Exoneration from or Limitation of Liability

No. 18-cv-1359 (PAC) (RWL)

FINAL JUDGEMENT

Petitioner, Energetic Tank, Inc. (the “Petitioner”) is liable to the United States in the amount of \$37,000,000 (20% of MCCAIN’s stipulated damages of \$185,000,000), minus \$353,956 (80% of ALNIC’s stipulated damages of \$442,445).

Net payment on principal damages is to be made by the Petitioner to the United States for \$36,646,044.

Pre-judgment interest on the United States’ principal damages of \$37,000,000 from the mid-point of repair (April 3, 2018) until the date of the Phase I opinion (June 15, 2022) is \$8,293,626. Pre-judgment interest on the Petitioner’s principal damages of \$353,956 from the date of writ (February 15, 2018) until the date of the Phase I Opinion (June 15, 2022) is \$81,769.

Net payment on pre-judgement interest is to be made by the Petitioner to the United States for \$8,211,857.

In total, the Petitioner shall pay to the United States the sum of the net totals for principal damages and pre-judgment interest in the amount of \$44,857,901, plus post-judgment interest.

Pursuant to Federal Rule of Civil Procedure 54(b), there is no just reason for delay of entering this final judgment. It fully resolves the United States’ rights and liabilities regarding its claim and is thus immediately appealable under 28 U.S.C. § 1292(a)(3). Moreover, an appellate

decision regarding the issue of liability will directly affect subsequent claims for damages arising out of that liability. Thus, the United States' liability and damages for the collision are resolved and the parties are ordered to pay judgement in the amounts indicated above.

The Court of Clerk is directed to enter final judgment and terminate ECF No. 400.

Dated: New York, New York
October 6, 2022

SO ORDERED



HONORABLE PAUL A. CROTTY
United States District Judge